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CHAPTER XIIBOARDS1201 FUNCTIONS AND COMPOSITION OF BOARDS AT WATERFRONT BRIGS/CCU'S

Each waterfront brig/CCU will have four standing boards, the function, composition, scheduling and reporting requirements of which are outlined below:

a. Classification and Assignment Board

(1) Function. The Classification and Assignment Board (CA) is responsible for making recommendations to the brig officer on the custody classification, work assignments, program assignments, and special training or needs for each prisoner at the waterfront brig/CCU. While awardees do not require custody classification, their cases should also be reviewed for possible program changes, awarding of privileges, etc. On completion of orientation, the CA Board will review the initial custody classification of newly received prisoners for appropriateness and recommend a change, if necessary. The Board will also recommend work assignments prisoners may be considered for (e.g., inside or outside), program assignment (e.g., restoration, pre-release, motivational training, general military training, etc.), and any special program deemed necessary in the individual case. The CA Board will utilize Navy Objective Classification criteria and forms discussed in Chapter VI.

(2) Composition. The executive officer or assistant brig officer/programs shall chair the CA Board. A counselor shall be a permanent member of this board and shall be responsible for presenting all pertinent information concerning the prisoner to the board for consideration in their deliberations. The operations officer shall be a permanent member of the board and, in a facility with a capacity in excess of 100, the programs officer shall also be a permanent member of the board. This shall comprise the permanent composition of the board. A minimum two floating members (one from the operations department and one from the programs department) should be assigned to the board.

(3) Schedule. The CA Board shall meet at least weekly. Each new prisoner who has completed orientation since the board last met shall be scheduled for review. Additionally, after initial review each prisoner/awardee confined/assigned at the waterfront brig/CCU shall have his or her program assignments reviewed at least every 2 weeks. Prisoner's custody classifications will be reviewed following the schedule provided in Chapter VI.

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(4) Reports. Upon adjournment of the CA Board, the counselor shall be responsible for providing a written report of the deliberations and recommendations of the CA Board to the brig officer for approval or modification. The decision of the brig officer is final. A copy of the written report of the CA Board and the action of the brig officer shall be retained in the waterfront brig/CCU files.

b. Discipline and Adjustment Board

(1) Function. The Discipline and Adjustment Board shall review all reports of misconduct on the part of prisoners and awardees resulting in submission of a NAVPERS 1640/9, Disciplinary Report, once an impartial investigating officer has determined that misconduct has occurred and that the accused probably committed the misconduct. The board shall hear and review all evidence and documentation involved in the case. The accused prisoner or awardee shall appear in person at the hearing and has the right to make a statement, call witnesses and/or present evidence in his or her behalf. After hearing all witnesses and reviewing all the evidence in the case, the board shall determine the probable guilt or innocence of the accused and, if they find the accused guilty, shall recommend a punishment to be imposed. The senior member of the board shall inform the accused of the findings and recommendations of the board, advising the accused that the punishment recommended is a recommendation that can be approved, disapproved or amended by the brig officer, who has the final decision on the punishment to be imposed since this is an administrative disciplinary process.

(2) Composition. The Discipline and Adjustment Board shall be chaired by the second senior person (military or civilian) assigned to the waterfront brig/CCU staff. The board shall also be comprised of at least two other staff members (one from the operations department and one from the programs department, either military or civilian) who were not involved in any manner with the misconduct being reviewed. The counselor assigned to the prisoner or awardee appearing before the board shall attend the hearing as an observer. The counselor is not there to represent the prisoner or awardee in any manner, but is there to provide background information on the prisoner or awardee that the board may desire and to become aware of matters concerning a prisoner or awardee assigned to his or her case load.

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(3) Schedule. The Discipline and Adjustment Board will meet as necessary. However, since timeliness in determining guilt and imposing punishment is critical in dealing with disciplinary matters, the board should conduct a hearing within 2 working days (but no earlier than 24 hours) of the NAVPERS 1640/9, Disciplinary Report being forwarded by the investigating officer.

(4) Reports. Upon completion of the hearing, the senior member is responsible for completing all applicable portions of the NAVPERS 1640/9, Disciplinary Report and forwarding such to the brig officer for final decision. The NAVPERS 1640/9, Disciplinary Report completed to include brig officer's decision, shall be filed in the prisoner/awardee file. After the brig officer has made his or her final decision, the Discipline Log will be completed and signed by the brig officer.

c. Disposition Board for Prisoners

(1) Function. The Disposition Board is responsible for reviewing all post-trial prisoners who were not awarded a punitive discharge as a part of the court-martial sentence for possible restoration to duty or for processing for administrative separation. The Disposition Board, per SECNAVINST 5815.3G, is also responsible for providing recommendations for clemency to the Naval Clemency and Parole Board concerning all prisoners who have been awarded an unsuspended punitive discharge or who have been awarded a sentence to confinement of 8 months or more, regardless of discharge.

(2) Composition. The brig officer shall chair and be the senior member of the Disposition Board. At a minimum the board shall also be comprised of the following:

(a) The counselor assigned to the prisoner case shall present all information to be considered by the board. The counselor is not a voting member of the board but shall be required to make a recommendation as to restoration, discharge, clemency or parole, as appropriate.

(b) The assistant brig officer/programs or programs officer, appointed by the brig officer.

(c) The operations officer, appointed by the brig officer.

(d) A representative from the Transient Personnel Unit (TPU) or transient personnel department of the command where the waterfront brig/CCU is located, appointed by the commanding officer (CO) of the TPU or station.

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(e) A representative from the personnel support detachment servicing the waterfront brig/CCU, appointed by the officer in charge (OIC) of the Personnel Support Detachment (PSD).

(f) The command master chief petty officer of the command where the waterfront brig/CCU is located, appointed by the commanding officer of the station.

(g) The brig chaplain, appointed by the commanding officer of the station.

(h) A line officer, appointed by the commanding officer of the station.

(i) A representative of the legal office of the TPU or command where the waterfront brig/CCU is located, appointed by the CO/OIC of the TPU or the commanding officer of the station.

(j) If available, a psychiatrist or clinical psychologist from the medical facility servicing the waterfront brig/CCU, appointed by the CO/OIC of the medical facility.

(3) Schedule. It is imperative that prisoners not awarded a punitive discharge as a part of the court-martial sentence be reviewed at the earliest possible time, so that processing of those being recommended for administrative separation can begin. Therefore, the Disposition Board shall meet weekly.

(4) Reports. Upon completion of the Disposition Board hearing, the assistant brig officer/programs or programs officer will be responsible for preparing a written report of the deliberations and recommendations of the Disposition Board for the brig officer's signature. The report will be forwarded to the CO/OIC of the TPU, commanding officer of the station where the waterfront brig/CCU is located or the commanding officer of the prisoner in the case of personnel confined in a TEMADD status. These persons have the final decision as to whether or not a prisoner will be restored to duty or processed for administrative separation but should give due consideration to the recommendation of the Disposition Board. A copy of the written report of the deliberations and recommendations of the Disposition Board shall be retained in the waterfront brig/CCU files. Additionally, in the case of clemency recommendations for the Naval Clemency and Parole Board, the counselor assigned to the case shall be responsible for preparing the clemency package to be submitted. A copy of the signed package will be retained in the prisoner file.

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d. Disposition Board for Awardees

(1) Function. The Disposition Board for awardees shall review and evaluate an awardee's progress and make recommendations to an awardee's commanding officer as to whether or not the awardee is suitable for continued participation in the CCU program and whether the awardee should be released from the program early due to either high motivation and success, or misconduct and failure.

(2) Composition. The Disposition Board for awardees shall be comprised of, at a minimum, the executive officer/assistant brig officer/programs as the chairperson, the counselor assigned to the awardee's case who shall present all information to be considered by the board, the quarters supervisor for the correctional custody dormitory and, if available, a representative from the awardee's command.

(3) Schedule. The Disposition Board may be convened at any time to consider a recommendation of early release of an awardee who is not progressing in a satisfactory manner and/or is being disruptive. At the end of the third week of the program the Disposition Board shall convene to review each awardee's progress and to determine if a recommendation for early release due to high motivation and success is warranted and to review the awardee's potential for future service.

(4) Reports. Upon adjournment of the Disposition Board, the counselor shall be responsible for preparing a written report of the deliberations and recommendations of the board to be submitted to the brig officer. In cases where the board recommended early release either for unsuitability or superior performance, and the brig officer concurs with the recommendation, an official letter shall be forwarded to the awardee's commanding officer outlining the particulars of the case and recommending early release. This recommendation can be made via telephone and followed by the written request. The awardee's commanding officer makes the final decision as to whether or not the awardee will be released early for either

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disciplinary or superior performance reasons. The commanding officer should give due consideration to the recommendation of the Disposition Board and brig officer, especially regarding the negative impact a disruptive or uncooperative awardee can have on the entire program. If early release is not recommended by the Disposition Board, the brig officer will provide the commanding officer of the awardee with a written summation of the awardee's performance upon completion of the program, this written summary should provide the waterfront brig/CCU staff evaluation of the awardee's potential for further service and any specific actions or programs (e.g., Navy Alcohol and Drug Safety Action Program (NADSAP)) the awardee should be provided upon return to his or her parent command.